

REMARKS/TRAVERSAL

Status of the Claims

Claims 1-33 are pending in the instant application. A requirement for restriction has been imposed on claims 1- 33 requiring the Applicants to restrict the subject matter of the instant application to Groups 1-X', wherein X' represents the number of combinations of the amino acid sequences that result from the various combinations of V_H and V_L sequences recited in the original claims. Claims 14-33 are subject to restriction.

More specifically, the Examiner advised Applicants to elect "one group consisting of a specific SEQ ID NO for V_H and one/or SEQ ID NO for V_L OR specific CDRs for the heavy and light chain regions" (Restriction Requirement, page 3).

Applicants, note that the Restriction Requirement also indicates that Claims 1-12 link inventions 1-X' as set forth in the original claim set. The communication further indicates that upon allowance of the linking claim(s), the restriction requirement as to the linked inventions shall be withdrawn and any claim(s) depending from, or otherwise including all the limitations of the linking claims, will be entitled to examination in the instant application.

Applicants expressly reserve the right to pursue the subject matter of the non-elected claims in one or more divisional and/or continuing application(s).

Remarks

Applicants note for the record that there is some ambiguity in the suggestion provided by the Examiner in the Restriction requirement. It appears as if the Examiner suggested that Applicants elect one group (*of anti-VEGF antibodies*) consisting of a specific SEQ ID NO: for V_H and one or/more SEQ ID NO: for V_L (Office Action, page 3) (*italics added to provide Applicants interpretation of the Examiner's request*). The new claims are drafted in a manner that is intended to be responsive to this interpretation of the Examiners suggestion.

Claim Amendments

The Restriction Requirement indicates that the claims filed in the original claim set are numbered incorrectly. More specifically, the claims as filed consisted of claims 1-12 and 14-33. No claim numbered 13 was included in the claims. The Examiner requested correction.

In order to comply with the Examiner's request this response includes claim amendments that renumber claims 14-33 as filed to represents claims 13-32. Because it is difficult to read a strikethrough font for some of the numbers that are being amended, Applicants have used double brackets to indicate the numbers that are being amended.

In light of the restriction requirement, Applicants would likely have canceled some of the nonelected claims, however because of the error in numbering, all of the claims that required renumbering, which were not being amended for any other reason, have been given the status identifier "Withdrawn-currently amended." This designation is intended to be used to reflect the fact that the claims are being renumbered.

Applicants have included three new claims (claims 33-35) each of which define a group of anti-VEGF antibodies. Each of the groups define the antibodies that are encompassed by the claim by reciting specific SEQ ID NOS: for their V_H and V_L sequences.

A review of the claim listing indicates that Applicants have defined 4 groups of anti-VEGF monoclonal antibodies, any one of which could be examined along with the linking claims (i.e., claims 1-12) identified by the Examiner. The 4 groups of antibodies proposed for examination are:

Group I (former claim 29 (now claim 28), and claims 1-12)

As amended claim 29 defines a group of 7 anti-VEGF antibodies. All of the antibodies recited in claim 29 share a common VL sequence (SEQ ID NO: 28), and have a unique VH sequence (SEQ ID NO: 88, SEQ ID NO: 90, SEQ ID NO: 91, SEQ ID NO: 106, SEQ ID NO: 07, SEQ ID NO: 108, and SEQ ID NO: 109).

Group II (new claim 33, and claims 1-12)

Newly drafted claim 33 defines a group of 21 anti-VEGF antibodies. The group comprises 21 antibodies resulting from the pairwise combination of 7 VH sequences identified by specific SEQ ID NOS: (SEQ ID NOS: 88, 90, 91, 106, 107, 108 and 109) in combination with 3 VL sequences identified by specific SEQ ID NOS: (SEQ ID NOS: 26, 28 and 36).

Group III (new claim 34, and claims 1-12)

Newly drafted claim 34 defines a group of 3 anti-VEGF antibodies. The three antibodies share a common VH sequence defined by SEQ ID NO: 106, in combination with a VL sequence that is defined by either SEQ ID NO: 26, SEQ ID NO: 28 or SEQ ID NO: 36.

Group IV (new claim 35, and claims 1-12)

Newly drafted claim 35 defines a single anti-VEGF antibody comprising a VH sequence defined by SEQ ID NO: 106 and a VL sequence defined by SEQ ID NO: 28.

Traverse/Request for Reconsideration of the Restriction Requirement

In light of the above-described amendment of original claim 29 and the newly filed claims 33-35, Applicants respectfully request reconsideration of the restriction requirement. Applicants are of the opinion that examination of the antibodies recited in anyone of claims 29 (now claim 28), 33, or 34 would not impose a burden on the Examiner that differs significantly from the burden associated with examination of the single combination of V_H and V_L that is recited in claim 35.

This belief is partially based on the observation that the seven (7) anti-VEGF antibodies encompassed by the scope of claim 28, as amended, all share a common V_L sequence. The three (3) anti-VEGF antibodies encompassed by claim 34 share a common V_H sequence. Accordingly, the search obligation that will be required to examine the antibodies encompassed by either of these claims will not be significantly different from the searches that will have to be performed to examine the subject matter of claim 35 which recites an anti-VEGF antibody comprising a single V_H and a single V_L polypeptide. Applicants respectfully suggest that examination of the antibodies recited in claim 33 which includes 21 pairwise combination of seven V_H and three V_L amino acid sequences would not impose an unreasonable hardship on the Examiner, because the same prior art that will have to be considered for the examination of any one of the 21 antibodies would have to be considered for all of the antibodies.

Election


Because the Examiner has not had a chance to review the subject matter encompassed by each of the four groups proposed by Applicants election of a particular set of claims for substantive examination seems to be premature. However, Applicants understand that in order for this submission to be deemed responsive, an election must be included with this submission. Accordingly, Applicants provisionally elect the subject matter of Group I, claims 1-12 and 28 for examination on the merits.

However, Applicants would prefer to prosecute the subject matter of Group II, claims 1-12 and 33. If the Examiner is not of the opinion that the subject matter of proposed Group I (claims 1-12 and 28) and proposed Group II (claims 1-12 and 33) can be efficiently examined, then Applicants would elect the subject matter assigned to proposed Group III (i.e., claims 1-12 and 34).

Conclusion

If the Examiner feels that a teleconference will advance the examination of this case on the merits by providing an opportunity for the Examiner to clarify the original restriction requirement or to create an alternative grouping of claims in light of the claim amendments presented in this response, Applicants' representative can be reached at the number provided below.

Respectfully submitted,

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